
Rules of Elected Officials

Division 30—Secretary of State

Chapter 100—Secretary of State Notary Commissions

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Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Secretary of State—
Notary Commissions

15 CSR 30-100.010 Revocation of Notary Commission

PURPOSE: This rule sets out the general nature of how a notary commission may be revoked.

(1) Before a notary's commission may be revoked, the notary public shall receive written notice alleging why the notary commission should be revoked, a hearing to prove those allegations and a formal adjudication. If a notary commission is ordered revoked, that person shall have the right to appeal the revocation order.

Auth: section 486.385.2, RSMo (1986). Original rule filed Dec. 16, 1985, effective April 11, 1986.

15 CSR 30-100.020 Notice of Revocation

PURPOSE: This rule sets out when notice of revocation will be given and the contents of the notice.

(1) Before any deputy, officer, attorney or employee of the secretary of state conducts a hearing to revoke a notary commission, a written notice shall be mailed, return receipt requested, to the notary public at the last known residence address on file with the secretary of state. This written notice shall contain the following information:

- (A) The caption and number of the case;
- (B) The notary public's name and address;
- (C) The date the notary commission was granted and the expiration date of that commission;

(D) The specific allegations stating what grounds exist for revoking the notary's commission. These allegations shall indicate the notary public's alleged misconduct and the date and place of the misconduct; and

(E) The names of potential witnesses on behalf of the secretary of state.

(2) This notice shall be considered served upon the notary public on the date of its mailing and a hearing shall be held no sooner than thirty (30) days after service of the notice and no later than ninety (90) days after service of the notice unless the notary or the secretary of state have consented to continue the hearing.

Auth: section 486.385.2, RSMo (1986). Original rule filed Dec. 16, 1985, effective April 11, 1986.

15 CSR 30-100.030 Form and Content of Answers

PURPOSE: This rule describes the form and content of the answer and supplementary pleadings and how they shall be filed.

(1) Answers.

(A) A notary public has the right to file an answer in response to any complaint or order served on him/her, but s/he is not required to do so and if s/he does not, it will not eliminate the need of the secretary of state to present evidence in support of the notice of revocation.

(B) All answers shall be in writing and shall contain a short and concise statement of those facts which the notary public believes are true and relevant to the issues raised in the notice of revocation. The answer must be signed by the notary public or his/her authorized agent or legal counsel and shall be filed with the Office of the Secretary of State, Commissions Division, P.O. Box 778, Jefferson City, MO 65102.

(C) All answers shall be filed within ten (10) days after the notary public receives the notice of revocation. Failure to file an answer within the time provided will not eliminate the need for a hearing or from the holding of a prehearing conference.

Auth: section 486.385.2, RSMo (1986). Original rule filed Dec. 16, 1985, effective April 11, 1986.

15 CSR 30-100.040 Prehearing Conference

PURPOSE: This rule describes the subject matter of the prehearing conference.

(1) Any notary public who has received a notice of revocation, within ten (10) days, may request a prehearing conference. This conference will be held by order of the secretary of state with reasonable notice given to the notary public. Legal counsel for the notary public and the secretary of state shall attend the prehearing conference and be prepared to discuss the following:

- (A) The simplification of the issues;
- (B) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

- (C) The limitation of the number of expert witnesses; and
- (D) The anticipated length of the hearing.

Auth: sections 486.385.2, RSMo (1986). Original rule filed Dec. 16, 1985, effective April 11, 1986.

15 CSR 30-100.050 Subpoenas

PURPOSE: This rule sets out the manner in which subpoenas may be obtained.

(1) The secretary of state shall have the authority to issue subpoenas and subpoenas duces tecum.

(A) Subpoenas other than subpoenas duces tecum shall be issued upon the request of any party, provided the requesting party provide the following information:

- 1. Caption and number of the case;
- 2. Name of witness being subpoenaed; and
- 3. Date of appearance.

(B) Subpoenas duces tecum shall be issued by the secretary of state when s/he determines the circumstances are proper.

(2) Subpoenas shall extend to all parts of the state and be served and returned as in civil actions in the circuit court.

(3) Witnesses shall be entitled to the same fees and travel and attendance fees, if compelled to travel more than forty (40) miles from home, as provided for civil actions in the circuit court.

(4) Fees for service and witness and travel fees are to be paid by the party requesting the subpoena.

(5) The secretary of state shall apply to the circuit court for enforcement of subpoenas pursuant to section 536.070, RSMo (1986).

Auth: section 486.385.2, RSMo (1986). Original rule filed Dec. 16, 1985, effective April 11, 1986.

15 CSR 30-100.060 Public Hearing and Record

PURPOSE: This rule describes the nature of the hearing to revoke a notary public's commission.

(1) A notary revocation hearing will be conducted in the following manner:

(A) All hearings will be open to the public. All parties have a right to be present and to be represented by counsel, if they so desire. Notice of the hearing will be posted prominently in the Office of the Secretary of State, Commissions Division, Truman State Office Building, Jefferson City, MO 65101;

(B) Upon request and at the expense of a party to the proceeding, the secretary of state will cause the hearing to be recorded and transcribed. Any other party may obtain a copy of the transcript upon the payment of the costs of preparation;

(C) If the hearing is not transcribed, the record will contain—

1. All materials filed in connection with the hearing;
2. All documents and exhibits submitted as evidence;
3. All matters officially noticed;
4. Formal questions and offers of proof, objections and rulings; and
5. The written decision of the adjudicator including findings of fact and conclusions of law;

(D) Evidence shall be received in the following manner:

1. Oral evidence shall be taken only on oath or affirmation;
2. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not subject to the direct examination, to impeach any witness regardless of which party first called him/her to testify and to rebut the evidence against him/her; and
3. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original; and

(E) The order in which evidence will be presented is as follows:

1. The secretary of state's representative shall present evidence first and the burden of proof will be on the secretary of state's representative;
2. The notary public shall then have the opportunity to present his/her evidence in the same manner;
3. Each party has the right to rebut the evidence presented; and
4. Closing statements may be made by each party in the order evidence was presented.

*Auth: section 486.385.2, RSMo (1986).
Original rule filed Dec. 16, 1985, effective
April 11, 1986.*

15 CSR 30-100.070 Surrender

PURPOSE: This rule states how a notary public may surrender his/her commission.

(1) A notary public may surrender his/her notary commission at any time after receiving notice of hearing to revoke and prior to adjudication. This surrender shall be executed in writing and shall not admit or deny the allegations in the notice to revoke, but shall state that the notary public voluntarily agrees to surrender his/her notary commission and will not seek to obtain another commission for a period of three (3) years.

*Auth: section 486.310, RSMo (1986).
Original rule filed Dec. 16, 1985, effective
April 11, 1986.*

15 CSR 30-100.080 Appeal

PURPOSE: This rule describes how a notary public may appeal a decision revoking his/her commission.

(1) Any notary public who has received a final adjudication revoking his/her notary commission after exhausting the administrative remedies under these rules shall be entitled to judicial review thereof as provided in sections 536.100—536.140.

*Auth: sections 486.385.2 and 536.100,
RSMo (1986). Original rule filed Dec. 16,
1985, effective April 11, 1986.*